

REMARKS

Claims 1 and 39 have been amended. No claims have been added or canceled. Accordingly, claims 1, 2, 38-51, and 54-60 are pending. No new matter has been added by these amendments. Applicants respectfully submit that all pending claims are now in condition for allowance.

The cited GB 2 397 276 reference is not prior art

Applicants respectfully note that the GB 2 397 276 reference, which shares several inventors in common with the present Application, is not prior art under any section of 35 U.S.C. § 102. Accordingly, all obviousness rejections relying upon the GB 2 397 276 reference are improper.

Independent claim 2 and dependent claims 1 and 54-56

The Office Action indicated that independent claim 2 was allowed. Claims 1 and 54-56 now depend from allowed claim 2. As such, Applicants respectfully submit that dependent claims 1 and 54-56 are in condition for allowance.

Independent claim 38 and dependent claims 57-60

The Office Action indicated that independent claim 38 and dependent claims 57-60 were allowed.

Independent claim 39 and dependent claims 40-46

Applicants submit that amended independent claim 39 is patentable over the prior art of record for at least the same reasons as previously allowed claim 2. Independent claim 39 has been amended to describe an article that includes an edible ink "having a viscosity of about 2000 to about 16000 cp at 25 °C and having a pigment density of about 0.1 g/l to about 0.25 g/l and an ink density of about 1.1 g/l to about 2.0 g/l." The EP 0 462 093 reference does not disclose or suggest such an ink, nor does any other prior art of record.

Applicants respectfully submit that independent claim 39 and dependent claims 40-46 are in condition for allowance.

Independent claim 47 and dependent claims 48-51

Independent claim 47 was rejected as being unpatentable over the GB 2 397 276 reference in view of Hoy (U.S. Patent No. 6,063,412) and in further view of Osada (U.S. Patent No. 5,070,230). As previously described, the GB 2 397 276 reference is not prior art under any section of 35 U.S.C. § 102. Accordingly, all obviousness rejections relying upon the GB 2 397 276 reference are improper. Nevertheless, it should be understood that the teaching of Osada (a silkscreen process for manufacturing automobile windshield from glass frit at 600°C) is highly nonanalogous to the subject matter of claim 47, and such a nonanalogous teaching must not be used in an "impermissible hindsight" reconstruction of the claimed subject matter. MPEP §2142.

Applicants respectfully submit that independent claim 47 and dependent claims 48-51 are in condition for allowance.

Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Nothing in this paper should be construed as an intent to concede any issue with regard to any claim unless specifically stated in this paper, and the amendments of claims 1 and 39 do not necessarily signify concession of unpatentability of the claims prior to the amendments. As such, Applicants hereby specifically reserve the right to prosecute claims of different or broader scope in a continuation application. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicants' position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on the claim amendments herein.

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No fee is believed to be due at this time. If necessary, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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